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*Attorneys for Defendant Sam's West, Inc.,
erroneously sued as Walmart Claims Services, Inc.,
d/b/a Sam's Club.*

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HONG SOOK CHOI, an individual;

Plaintiff,

v.

WALMART CLAIMS SERVICES, INC.
d/b/a SAM'S CLUB, LLC., a Foreign
Corporation; DOES 1 through 25,
inclusive; and ROE CORPORATIONS 1
through 25, inclusive;

Defendants.

Case No.: 2:24-cv-02095-RFB-BNW

**STIPULATION AND PROPOSED ORDER
TO EXTEND DISCOVERY DEADLINES
(FIRST REQUEST)**

IT IS HEREBY STIPULATED AND AGREED, between the parties and their attorneys
of record, that the current discovery deadlines be extended pursuant to Local Rule 26-3.

I.
DISCOVERY COMPLETED TO DATE

1. The parties have conducted the FRCP 26.1 Early Case Conference.
2. Plaintiff has produced her Lists of Witnesses and Documents pursuant to FRCP 26(a).
3. Defendant has produced its Lists of Witnesses and Documents pursuant to FRCP 26(a)
4. Defendant has propounded discovery to Plaintiff.
5. Plaintiff has propounded discovery to Defendant.

6. Plaintiff has responded to Defendant's discovery.
7. Plaintiff has produced her First Supplement to Rule 26 disclosure.
8. Plaintiff has produced her Second Supplement to Rule 26 disclosure.

II.

DISCOVERY THAT REMAINS TO BE COMPLETED

1. Deposition of Plaintiff.
2. FRCP 35 Examination, tentatively scheduled for April 25, 2025.
3. Deposition of Defendant Walmart Inc.'s 30(b)(6) witness(es).
4. Disclosure of Initial Experts.
5. Disclosure of Rebuttal Experts.
6. Deposition(s) of Plaintiff's treating physicians.
7. Deposition of other percipient witnesses.
8. Depositions of experts.
9. Issuing subpoenas to additional third-parties, including Plaintiff's medical providers (if any).
10. Additional written discovery (if necessary).
11. Any remaining discovery the parties deem relevant and necessary as discovery continues.

III.

WHY DISCOVERY CANNOT BE COMPLETED WITHIN THE TIME PROVIDED BY THE CURRENT SCHEDULING ORDER

LR 26-3 governs modifications or extension of the Discovery Plan and Scheduling Order. Any stipulation or motion to extend or modify that Discovery Plan and Scheduling Order must be made no later than twenty-one (21) days before the expiration of the subject deadline and must comply fully with LR 26-3. If the stipulation is made less than twenty-one (21) days before the expiration of a deadline, the parties must show a good cause exist. A request made after the expiration of the subject deadline will not be granted unless the movant also demonstrates that the failure to act was the result of excusable neglect.

A request to extend unexpired deadlines in the scheduling order must be premised on a

1 showing of good cause. Fed. R. Civ. P. 16(b)(4); Local Rule 26-3. The good cause analysis turns
2 on whether the subject deadlines cannot reasonably be met despite the exercise of diligence.
3 *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).

4 The parties respectfully submit, pursuant to Local Rule 26-3, that good cause exists for
5 the following requested extension. This Request for an extension of time is not sought for any
6 improper purpose or other purpose of delay. Good cause for the extension is the parties have
7 agreed to proceed with Plaintiff's Rule 35 Examination with defense expert Dr. Wang, but Dr.
8 Wang's earliest availability to conduct the examination is April 25, 2025. Dr. Wang will also
9 require 30-days following the examination for preparation of his report. The parties have
10 tentatively agreed to set Plaintiff's Rule 35 Examination with Dr. Wang for April 25, 2025,
11 pending the Court's approval of the instant request. Based on the foregoing, both Plaintiff and
12 Defense counsel are requesting that the remaining scheduling order dates be extended by 60
13 days.

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IV.

PROPOSED SCHEDULE FOR COMPLETING REMAINING DISCOVERY

Discovery Deadline	Current Deadline	Proposed Deadline
Motion to Amend/Add Parties	March 17, 2025	March 17, 2025
Initial Expert Disclosures	April 14, 2025	June 13, 2025
All Rebuttal Expert Disclosures	May 14, 2025	July 14, 2025
Discovery Cut-Off Date	June 13, 2025	August 12, 2025
Dispositive Motions	July 14, 2025	September 12, 2025

The parties represent this Stipulation is sought in good faith and not interposed for delay or any other improper purpose.

IT IS SO STIPULATED.

Dated this 11th day of April 2025

TYSON & MENDES LLP

/s/ Griffith H. Hayes

GRIFFITH H. HAYES

Nevada Bar No. 7374

NICHOLAS F. PSYK

Nevada Bar No. 15983

2835 St. Rose Pkwy., Suite 140

Henderson, Nevada 89052

Attorneys for Defendant Sam's West, Inc.

Dated this 11th day of April 2025

KANG & ASSOCIATES, PLLC

/s/ Adam Gill

PATRICK W. KANG,

Nevada Bar No. 10381

KYLE R. TATUM

Nevada Bar No. 13264

ADAM L. GILL

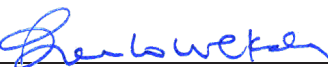
Nevada Bar No. 11575

1707 Village Center Circle, Suite 100

Las Vegas, Nevada 89135

Attorneys for Plaintiff

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

DATED this 4/14/2025

From: [Adam Gill](#)
To: [Nick Psyk](#); [hcaifano.acelawgroup.com](#)
Cc: [Griffith Hayes](#); [Heidi Brown](#); [pkang.acelawgroup.com](#); [Mariana Gomez](#); [scho.acelawgroup.com](#)
Subject: Re: 2:24-cv-02095-RFB-BNW Choi vs Sam's West, Inc. - SAO Regarding NRCP Rule 35 Exam of Plaintiff
Date: Friday, April 11, 2025 12:45:07 PM
Attachments: [image001.png](#)

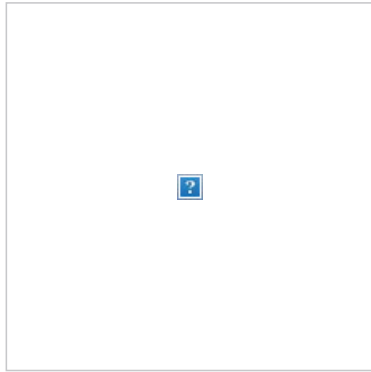
Hi Nick,

Thank you for preparing. You can affix my e-signature.

Take care,

Adam L. Gill, Esq.
Partner

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From: Nick Psyk <NPsyk@TysonMendes.com>
Sent: Friday, April 11, 2025 12:15 PM
To: hcaifano.acelawgroup.com <hcaifano@acelawgroup.com>
Cc: Griffith Hayes <ghayes@TysonMendes.com>; Heidi Brown <HBrown@TysonMendes.com>; Adam Gill <agill@acelawgroup.com>; pkang.acelawgroup.com <pkang@acelawgroup.com>; Mariana Gomez <mgomez@acelawgroup.com>; scho.acelawgroup.com <scho@acelawgroup.com>
Subject: RE: 2:24-cv-02095-RFB-BNW Choi vs Sam's West, Inc. - SAO Regarding NRCP Rule 35 Exam of Plaintiff

Ms. Caifano,

Given we are in federal court, any reference to "NRCF 35" or "Nevada Rule of Civil Procedure 35" in the SAO should be replaced with "FRCP 35" or "Federal Rule of Civil Procedure 35" given the federal rules would apply. Also, paragraph 10 states "Defendant will bear the cost of the interpreter". I understand you previously notified us an interpreter would be present during the exam, but I do not believe we previously discussed that Defendant would bear the cost of the interpreter. I have not had a situation before where the party requesting a Rule 35 Exam paid for the interpreter, so please let me know if you can clarify who will be paying for the interpreter for this Exam.

Finally, with regards to requesting a 60-day extension, I believe we will need to submit a separate SAO for the extension. I have attached a draft of that SAO for review and approval. Please let me know if your office approves the attached draft stipulation for submission to the Court today.

Thank you,



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From: hcaifano@acelawgroup.com <hcaifano@acelawgroup.com>
Sent: Friday, April 11, 2025 11:44 AM
To: Nick Psyk <NPsyk@TysonMendes.com>
Cc: Griffith Hayes <ghayes@TysonMendes.com>; Heidi Brown <HBrown@TysonMendes.com>; Adam Gill <agill@acelawgroup.com>; pkang@acelawgroup.com <pkang@acelawgroup.com>; Mariana Gomez <mgomez@acelawgroup.com>; scho@acelawgroup.com <scho@acelawgroup.com>
Subject: Re: 2:24-cv-02095-RFB-BNW Choi vs Sam's West, Inc. - SAO Regarding NRCF Rule 35 Exam of Plaintiff

Good morning Mr. Psyk,

I am following up on the SAO Regarding NRCF 35 Exam. Initial Expert Disclosures are currently due Monday; however, the SAO contains a request to extend discovery by 60 days. Please track any changes you may have and kindly provide written permission to attach your electronic signature. Thank you and have a great rest of your day.

Regards,

Heather Caifano
Paralegal Director

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